



U.S. General Services Administration
Office of Inspector General

JUL 08 2019

Emma Best
MuckRock News
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Somerville, MA 02144-2516
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Re: Freedom of Information Act Request (OIG Tracking Number 19-039)

Dear Ms. Best:

This letter is in reference to your Freedom of Information Act (FOIA) request dated June 10, 2019, to the General Services Administration Office of Inspector General (GSA OIG), FOIA Office, for:

“a copy of the list or printout or database listing of Inspector General investigations closed/reports completed during calendar year 2017.”

Upon review of the responsive material, I determined you are entitled to portions of the requested material under the FOIA. The bases for any redacted information are Exemptions 3A, 4, 5, 6, 7A and 7C of the FOIA.

Exemption 3(A), 5 U.S.C. § 552(b)(3)(A)(i), protects information specifically exempted from disclosure by a statute that requires that the information be withheld from public disclosure. Subsection (i) exempts information from release where a statute “requires” that the matters be withheld from the public in such a manner as to leave no discretion on the issue.”

Exemption 4, 5 U.S.C. §522(b)(4), protects from disclosure trade secrets and commercial or financial information obtained from a person that is privileged or confidential.

Additionally, Exemption 5 of the FOIA, 5 U.S.C. §552(b)(5), protects information that is a pre-decisional part of the intra-agency deliberative process or is protected by the attorney-client privilege and would not be available by law to a party other than an agency in litigation with the agency.

Exemption 6, 5 U.S.C. § 552(b)(6), **requires** withholding of information that, if released, would constitute a clearly unwarranted invasion of personal privacy. Similarly, Exemption 7(C), 5 U.S.C. §552(b)(7)(C), **requires** withholding of records or information compiled for law enforcement purposes, where disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Finally, Exemption 7(A) of the FOIA, 5 U.S.C. §552(b)(7)(A), protects from disclosure records compiled for law enforcement purposes, the disclosure of which could reasonably be expected to interfere with enforcement proceedings. This exemption applies to cases that have been converted to other cases which remain open, or they are related to other open cases. Release of information pertaining to those matters could reasonably be expected to interfere with ongoing enforcement proceedings.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirement of the FOIA. See 5 U.S.C. §552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirement of the FOIA. This is a standard notification that this office provides to all our requesters. You should not take it as an indication that excluded records do, or do not exist.

As we have redacted information referenced in the above paragraph(s) with the aforementioned FOIA exemptions, this technically constitutes a partial denial of your FOIA request. You have the right to file an administrative appeal within 120 days of the date of this letter. The appeal must be in writing, include the GSA OIG FOIA Case Number (19-039), and contain a statement of reasons for the appeal. In addition, please enclose copies of the initial request and the responsive documents under appeal. The envelope and letter should be clearly marked as a "Freedom of Information Act Appeal" and addressed as follows:

Freedom of Information Act Officer
Office of the Inspector General, General Services Administration
1800 F Street, NW, Room 5332
Washington, D.C. 20405

This completes our action on this request. Should you have any questions, please contact Christopher Pehrson, GSA OIG's FOIA Public Liaison at (202) 501-1932 or via email at oigfoia-privacyact@gsaig.gov.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

Sincerely,


Edward J. Martin
Counsel to the Inspector General
(FOIA Officer)

Enclosure